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December 15, 2020

VIA ECF

The Honorable Brian M. Cogan
United States District Judge
Eastern District of New York
225 Cadman Plaza East, Rm. 704S
Brooklyn, New York 11201

Re: *Jorge Almonte Ortega, et al. v. Ernie's Auto
Detailing Inc., et al.*
Civil Case No.: 20-cv-3007

Dear Judge Cogan:

As counsel for Defendants Ernie's Detailing, Inc. ("Ernie's") and Ernesto Decena (together the "Ernie's Defendants") in the above matter, we write for all parties further to the Court's direction at the status conference held on December 8, 2020 to set forth the parties' positions regarding further handling. The Ernie's Defendants believe that a stay of this action is appropriate pending *Scalia* (Dkt. 38). Further to a previous suggestion to Plaintiffs' counsel, they also would participate in court-annexed mediation to see if the claims currently lodged in this matter can be resolved.¹ The Ernie's Defendants respectfully request that the Court issue an order staying this matter for 90 days and referring it to the mediation panel. Defendant Bay Ridge Automotive Management Corp. joins in this position. Plaintiffs object to a stay as to the instant claims; because the scope of plaintiffs' case is so much more limited (12 plaintiffs) than the *Scalia* matter, plaintiffs believe that it could be resolved in the ordinary course long before the *Scalia* matter would be. We thank the Court for its continued attention to this matter.

Respectfully submitted,

JACKSON LEWIS P.C.

Noel P. Tripp

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NPT:dc

cc: All Counsel of Record (via ECF)

¹ The Ernie's Defendants anticipate making the same proposal and application in the other two Eastern District Cases, Docket Nos. 20-CV-3762 (PKC) and 20-CV-4798 (JMA).